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SUBJECT: ARMENIA: NO SIGNIFICANT DEVELOPMENTS IN THE AREA OF CHILD
LABOR IN 2008

REF: A) 08 STATE 127448, B) 07 YEREVAN 1416,

SUMMARY

11. (SBU) There have been no changes with respect to child labor or worst forms of child labor in Armenia during the reporting period. Armenia has adopted all international agreements on children's rights, and there have been no new legal changes in this area. On October 30, 2008, UNICEF officially published the nationwide survey on child labor it had mandated in 2007 (ref B). According to UNICEF child employment exists to a limited extent in Armenia, and is mainly due to harsh social conditions and poverty. Children are not involved in manufacturing of goods in Armenia. END SUMMARY.

12. (SBU) The following information updates previously reported material provided in ref B and is keyed to the information request in Paragraph 9 of ref A.

A) Laws and regulations proscribing the worst forms of child labor:

-- There have been no changes in legislation with respect to child labor/employment in 2008.

-- Article 32 of the Constitution prohibits compulsory labor, including by children, and prohibits engaging children under 16 into full-time jobs.

-- The Labor Code provides that the minimum age for children's employment is 14; and that written parental or guardian permission, as well as a written contract, are mandatory conditions for employing children aged 14-16. Moreover, children from 14-16 years old can work only 24 hours per week, and children from 16-18 years old only 36 hours (Articles 17, 89 and 140 of the Labor Code). Illegal employment of children is considered a violation of the procedures of the labor code, and therefore it is an administrative violation punishable by fines only.

-- According to the Labor Code, children under 18 are prohibited from work in difficult and hazardous conditions (Article 257). The Governmental Decree N-2308, "On approving the List of occupations considered heavy or dangerous for persons under 18, pregnant women and women who care for children under 1 year old," defines those hazardous conditions. The decree took effect February 2, 2006. The International Labor Organization (which has very limited information on Armenia and almost no presence in the country) has not yet commented on whether this decision meets the requirement set forth by ILO Convention 182 on developing a list of occupations considered to be worst forms of child labor as claimed by some government officials (ref B).

-- The Criminal Code proscribes trafficking in persons and considers child trafficking an aggravating circumstance, which is punishable from 7 to 10 years imprisonment under Article 132 (Recruitment, transportation, transfer, harboring or receipt of persons with the aim of exploitation) or from 7 to 12 years imprisonment in case of Article 132-1 (Engagement of other persons in prostitution or other forms of sexual exploitation, forced labor or services, or slavery or practices similar to slavery). In case of additional aggravating circumstances, prison terms may reach 15 years.

-- Article 166 of the Criminal Code proscribes involvement of children in anti-social activities, including prostitution, mendicancy, vagrancy, distribution or involvement in the making of pornography, punishable up to 5 years of imprisonment, or 6 if accompanied by violence or carried out towards two or more children. (Note: This article is not consistent with the trafficking articles of the Criminal Code. The Prosecutor General's office has acknowledged this deficiency in an information note provided to Post in November 20, 2008, in response to a trafficking query. According to this note, the authorities plan to address the issue by viewing involvement in mendicancy and pornography as trafficking; it is not clear, however, how this will be done. End Note.)

-- Armenian males are registered for military conscription at 16, but are not subject to compulsory military service or voluntary recruitment until 18.

B) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor:

-- The State Labor Inspectorate (SLI) is the main body in charge of discovering and prosecuting instances of exploitative child labor.

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-- According to the deputy director of SLI Gurgen Malkhasian, the situation with child labor has not changed over the years, and the SLI has yet to receive a single complaint of child exploitation since its establishment in 2005. According to Malkhasian, while the SLI has not conducted any inspections aimed specifically at discovering instances of child exploitation, during their general inspections they have not discovered any such violation. According to Malkhasian, the SLI does not have inspectors specialized in child labor issues, since the problem remains insignificant and they have only a total of 140 labor inspectors who cover the entire country. Malkhasian told Poloff that they cover the issue of child labor during general training, but not as a separate issue.

-- According to UNICEF Child Protection Officer Hayk Khemchyan, state agencies - the SLI and others - have not been successful in detecting child exploitation for a number of reasons including lack of resources and the fact that in most cases the children are not forced to work, but seek employment themselves to cope with harsh social conditions and poverty. Therefore neither children nor their families go with complaints to the relevant authorities. According to UNICEF the efficiency of government-run Child Protection Units varies from region to region and depends on the individuals who run them.

-- The Ombudsman's office has not received any complaints about child labor exploitation during the reporting period or anytime before.

C) Social programs specifically designed to prevent and withdraw children from the worst forms of child labor:

-- The Government continues to provide various types of benefits to disadvantaged families; however it does not specifically address working children. According Astghik Minasyan, director of the Social Support Department at the Ministry of Labor and Social Affairs, the government continues to issue a one-time allowance of 20,000 AMD (about USD 65) to needy families for children entering the first grade. This money is intended for the purchase of clothing and school supplies, and in 2008 about 9,400 households received this allowance. There is also an average monthly pension

provided to poor families that amounts to approximately 21,100 AMD (about USD 69); the actual amount varies based on the number of children and place of residence of the family. In 2008 this pension was provided to 121,160 households, of which 76.35 percent were families with children. (Note: According to Astghik Minasyan the Government is currently deliberating on a proposal to increase the amounts of these and other pensions for 2009. End note.)

-- On November 26, 2008 the Armenian parliament adopted the state budget for 2009, where for the first time the Government allocated money for anti-trafficking activities, and almost USD 53,000 is envisaged for trafficking shelter assistance. (Note: Even though this money will be spent only during the next reporting period, the allocation was made this year, hence Post included the information in this report for DOL's information. End note.) On November 27, 2008 the government also adopted the long expected National Referral Mechanisms for trafficking victims.

D) Comprehensive policies aimed at the elimination of the worst forms of child labor:

-- The Armenian National Plan of Action for the Protection of the Rights of the Child covering the period from 2004-2015 envisages a program to ensure labor rights for children, prevention and elimination of child labor and exploitation to be carried out in the period from 2007 to 2015. However, according to the head of Women and Children's Issues Section of the Ministry of Labor and Social Affairs Lena Hayrapetian, nothing has been done yet to fulfill this program, even though some actions are anticipated in the future. According to Hayrapetian, given financial constraints the ministry has not prioritized this issue, instead focusing on supporting the very poor families in keeping their children and not giving them to orphanages. (Note: According to UNICEF, in 2009 this NPA will be reviewed and UNICEF plans to focus a lot more attention on child labor issues in that revision. End note.)

-- The National Plan of Action on Fighting Trafficking for 2007-2009 that was adopted in December 2007 focuses in a separate chapter on taking measures to prevent trafficking of minors.

-- Child labor is not included as an issue in the new Governmental Program on Sustainable Development covering the period from 2008 - 2021 adopted in October 2008. (Note: This program came to replace

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the Poverty Reduction Strategy Program which technically expired in 2006. End note.)

-- The minimum age for completing educational requirements in Armenia varies, according to the age when a child first enrolls in school. Generally, primary and basic education is free and compulsory through age 14.

E) Continued progress in eliminating the worst forms of child labor:

-- The National Statistical Service (NSS) has not conducted any further surveys on the issue of child labor. The only such survey was conducted in 2004 entitled "Labor Force and Child Labor in Armenia, 2001-2004," located at the following address - <http://www.armstat.am/en/?nid=82&id=365>. (Note: The internet address has changed from ref B. End note.)

-- On October 30, 2008 UNICEF officially published the survey on child labor that it had mandated in 2007. (Note: Post had reported in ref B unofficial information obtained on the survey findings. This and other UNICEF surveys are located at -- <http://www.unicef.org/armenia/resources.html> -- website. End note.)

-- The survey was conducted by the "Harmonic Society" Armenian Social Workers' Association NGO with funding from UNICEF Armenia. The surveyors interviewed 1,066 households and discovered that in 65 of these households there was at least one working child and there were more than one in a few. The total number of working children discovered was 71. Therefore among all children in the sample

(2,032 children in 1,066 households) 3.6 percent had jobs during the week preceding the survey; and 4.7 had jobs during the year before the survey. The survey concludes that within one year 4.7 percent of children between 7 to 18 years had paid jobs, or that children in 6.1 percent of households with children of corresponding age had paying jobs.

-- According to the survey, the majority of working children in Armenia are boys, who generally work in construction, car maintenance service and agriculture. Almost one third of working children were below the legal working age; most children worked without legal contracts; some of the children were employed in heavy manual work as laborers and loaders; about half the children worked the whole week; more than half of the children worked from morning until evening; a large portion worked long hours; and some worked at night. The average workload of working children was 40 hours. The employer often requested that children work overtime, which was paid with the usual rate. Ninety-one percent of working children were not happy with the unfavorable conditions of work.

-- There have been no registered cases of children working in slavery or practices similar to slavery.

-- In the reporting period itinerant labor migration to Russia remained a factor in Armenian society. Hence, in order to prevent illegal migration and possible cases of labor trafficking, the Migration Agency (under the Ministry of Territorial Administration) continued its program, started in 2006, of conducting awareness-raising campaigns with the assistance of the Russian Migration Agency throughout the regions of Armenia.

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